UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

ANDREI SINIOUKOV, Individually and on Behalf of All Others Similarly Situated, *Plaintiff*, *v.* SRA INTERNATIONAL, INC., *et al.*, *Defendants*.	No. 1:11cv447 (LO/TRJ)

SRA DEFENDANTS' REPLY IN SUPPORT OF MOTION FOR THE DELAWARE COURT OF CHANCERY AND THE EASTERN DISTRICT OF VIRGINIA TO CONFER

Plaintiff's argument that this Court should not—indeed, cannot—confer with Vice Chancellor Noble of the Delaware Court of Chancery regarding the efficient conduct of these parallel and duplicative proceedings has no basis in law or common sense.

The law is clear. Canon 3(A)(4) of the Federal Code of Judicial Conduct, on which plaintiff relies, specifically allows judges to consult with other judges: "[D]espite defense counsel's invocation of the sinister phrase '*ex parte*,' judge-to-judge contacts are not subject to the same general ban as contacts between judge and one side's counsel in the absence of the other." *See Obert v. Republic W. Ins. Co.*, 398 F.3d 138, 145 (1st Cir. 2005); *see also* BLACK'S LAW DICTIONARY (9th ed. 2009) (defining "*ex parte* communication" as "A communication between counsel and the court when opposing counsel is not present."). The only case cited by Plaintiff is not to the contrary: that case involved *ex parte* communication to the court from judges who were *parties to the litigation* and has no bearing on the conference between courts that defendants seek. *See U.S. ex rel. Green v. Peters*, No. 93 C 7300, 1994 WL 113097, at *1-2

(N.D. Ill. 1994). Thus, under the law, federal judges may confer with state judges about coordinating judicial management of related cases.

Plaintiff's contention that a conference with Vice Chancellor Noble would "eviscerate[]" the power of this Court is a strawman-argument. Nowhere do Defendants assert that this Court needs the "permission" of the Delaware Court of Chancery in order to exercise its jurisdiction. Instead, Defendants respectfully request that this Court confer with Vice Chancellor Noble to discuss whether there is any basis for maintaining duplicative proceedings, or whether in the interests of efficiency, judicial economy, and comity, one of these actions should be stayed. Such a conference makes sense under the circumstances and is squarely within this Court's discretionary power to manage its docket.

Finally, common sense dictates that the judges confer before both are drawn into expedited litigation of the same essential dispute. Conferring about avoiding the wasteful duplication of effort would promote comity and ease the strain on judicial and party resources.

CONCLUSION

For the foregoing reasons, as well as those stated in the opening brief, the SRA Defendants' Motion for the Delaware Court of Chancery and the Eastern District of Virginia to Confer should be granted.

Date: May 18, 2011

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of May 2011, a true and correct copy of the foregoing pleading or paper was served using the Court's CM/ECF system, with electronic notification of such filing to the following counsel of record or by email (*):

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